

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rayborn *et al.*

Serial No.: 09/994,910

Filed: November 16, 2001

Confirmation No.: 7379

For: **TREATED TEXTILE ARTICLE HAVING
IMPROVED MOISTURE TRANSPORT**

Examiner: A. Khan

Art Unit: 1751

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE AND PETITION FOR EXTENSION OF TIME

This responds to the Office Action mailed January 9, 2007 for the above-identified application. In addition, Applicants request and are submitting \$60.00 for a one-month Extension of Time up to and including May 9, 2007.

If any further Extension of Time or additional fees for the accompanying response are required, applicants request that this be considered a Petition therefor. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account 501923.

Claims 1-148 are pending, with Claims 1-16 and 70-148 withdrawn in response to a previous restriction requirement.

The Office has rejected Claims 17-19, 23, 44-58, 60 and 62-65 under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2002/0034903 ("Shoemaker"). In addition, Claims 20-22, 24-43, 59 and 61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shoemaker. Finally, Claims 66-69 stand rejected as being unpatentable over Shoemaker in view of U.S. Patent No. 4,975,325 ("McKinney").

Shoemaker was filed June 14, 2001, and claims priority to U.S. Provisional Application No. 60/212,128 filed June 16, 2000.

Attached hereto is the Declaration under 37 CFR 1.131 of Richard A. Barnhardt, the Technical Director of Apollo Chemical Corporation, the assignee of the present invention. Note that the Confirmation Number on the Declaration should be 7379. Mr. Barnhardt is signing on behalf of the assignee pursuant to MPEP 715.04(D). The other inventors, Randall L. Rayborn

and Boyce H. Woodruff, II, are no longer employed by Apollo Chemical Corporation and were thus unavailable to sign declarations.

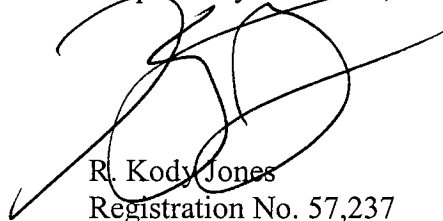
Mr. Barnhardt's declaration authenticates and describes the evidence attached to the Declaration as Exhibit A. The facts contained therein are of such character and weight, we submit, as to establish the reduction to practice of the claimed invention prior to June 16, 2000, the effective date of the reference.

Exhibit A is a true and exact copy of a page from a laboratory notebook prepared on November 4, 1999, prior to the effective date of the Shoemaker reference, by Randall L. Rayborn. The laboratory notebook shows the manufacture of Treatment Agent Sample 1 as claimed and described by the present application.

For example, Table 5, and its accompanying description as contained in the present application shows the ingredients, amounts, and synthesis methods used to make Treatment Sample Agent 1. Table 5, and its accompanying description are substantially identical to the ingredients, amounts, and synthesis methods contained in Exhibit A. The composition "2,2'-[1,2 ethanediylbis (oxy)] bis [ethaneamine]" identified in Table 5 is identified as "Huntsman XTJ-504" in Exhibit A. The composition "oxirane, methyl-, polymer with oxirane, bis (2-aminopropyl) ether" identified in Table 5 is identified as "Huntsman XTJ-502" In Exhibit A. Hexanedioic acid, the acid identified in Table 5, is the IUPAC systematic name for adipic acid, the acid identified in the Exhibit A.

In view of the foregoing, reconsideration is earnestly requested. Should the Office have any questions, the undersigned welcomes a telephone call at the Office's convenience.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to be 'R. Kody Jones', is written over the typed name and address.

R. Kody Jones
Registration No. 57,237
MacCord Mason PLLC
P. O. Box 2974
Greensboro, NC 27402
(336) 273-4422

Date: May 9, 2007
File No.: 1067-021